



Rep. John E. Bradley

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1 AMENDMENT TO SENATE BILL 1827

2 AMENDMENT NO. _____. Amend Senate Bill 1827 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-1, 10-8.1, 10-10, 10-11, and 10-17.1 and
6 by adding Section 10-15.1 as follows:

7 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

8 Sec. 10-1. Declaration of Public Policy - Persons Eligible
9 for Child Support Enforcement Services - Fees for
10 Non-Applicants and Non-Recipients.) It is the intent of this
11 Code that the financial aid and social welfare services herein
12 provided supplement rather than supplant the primary and
13 continuing obligation of the family unit for self-support to
14 the fullest extent permitted by the resources available to it.
15 This primary and continuing obligation applies whether the
16 family unit of parents and children or of husband and wife

1 remains intact and resides in a common household or whether the
2 unit has been broken by absence of one or more members of the
3 unit. The obligation of the family unit is particularly
4 applicable when a member is in necessitous circumstances and
5 lacks the means of a livelihood compatible with health and
6 well-being.

7 It is the purpose of this Article to provide for locating
8 an absent parent or spouse, for determining his financial
9 circumstances, and for enforcing his legal obligation of
10 support, if he is able to furnish support, in whole or in part.
11 The Department of Healthcare and Family Services shall give
12 priority to establishing, enforcing and collecting the current
13 support obligation, and then to past due support owed to the
14 family unit, except with respect to collections effected
15 through the intercept programs provided for in this Article.

16 The child support enforcement services provided hereunder
17 shall be furnished dependents of an absent parent or spouse who
18 are applicants for or recipients of financial aid under this
19 Code. It is not, however, a condition of eligibility for
20 financial aid that there be no responsible relatives who are
21 reasonably able to provide support. Nor, except as provided in
22 Sections 4-1.7 and 10-8, shall the existence of such relatives
23 or their payment of support contributions disqualify a needy
24 person for financial aid.

25 By accepting financial aid under this Code, a spouse or a
26 parent or other person having custody of a child shall be

1 deemed to have made assignment to the Illinois Department for
2 aid under Articles III, IV, V and VII or to a local
3 governmental unit for aid under Article VI of any and all
4 rights, title, and interest in any support obligation,
5 excluding ~~including~~ statutory interest thereon, up to the
6 amount of financial aid provided. The rights to support
7 assigned to the Department of Healthcare and Family Services
8 (formerly Illinois Department of Public Aid) or local
9 governmental unit shall constitute an obligation owed the State
10 or local governmental unit by the person who is responsible for
11 providing the support, and shall be collectible under all
12 applicable processes.

13 The Department of Healthcare and Family Services shall also
14 furnish the child support enforcement services established
15 under this Article in behalf of persons who are not applicants
16 for or recipients of financial aid under this Code in
17 accordance with the requirements of Title IV, Part D of the
18 Social Security Act. The Department may establish a schedule of
19 reasonable fees, to be paid for the services provided and may
20 deduct a collection fee, not to exceed 10% of the amount
21 collected, from such collection. The Department of Healthcare
22 and Family Services shall cause to be published and distributed
23 publications reasonably calculated to inform the public that
24 individuals who are not recipients of or applicants for public
25 aid under this Code are eligible for the child support
26 enforcement services under this Article X. Such publications

1 shall set forth an explanation, in plain language, that the
2 child support enforcement services program is independent of
3 any public aid program under the Code and that the receiving of
4 child support enforcement services in no way implies that the
5 person receiving such services is receiving public aid.

6 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

7 (305 ILCS 5/10-8.1)

8 Sec. 10-8.1. Temporary order for child support.
9 Notwithstanding any other law to the contrary, pending the
10 outcome of an administrative determination of parentage, the
11 Illinois Department shall issue a temporary order for child
12 support, upon motion by a party and a showing of clear and
13 convincing evidence of paternity. In determining the amount of
14 the temporary child support award, the Illinois Department
15 shall use the guidelines and standards set forth in subsection
16 (a) of Section 505 and in Section 505.2 of the Illinois
17 Marriage and Dissolution of Marriage Act.

18 Any new or existing support order entered by the Illinois
19 Department under this Section shall be deemed to be a series of
20 judgments against the person obligated to pay support
21 thereunder, each such judgment to be in the amount of each
22 payment or installment of support and each judgment to be
23 deemed entered as of the date the corresponding payment or
24 installment becomes due under the terms of the support order.
25 Each such judgment shall have the full force, effect, and

1 attributes of any other judgment of this State, including the
2 ability to be enforced. Any such judgment is subject to
3 modification or termination only in accordance with Section 510
4 of the Illinois Marriage and Dissolution of Marriage Act.
5 Interest shall accrue on support obligations as provided in
6 Section 12-109 of the Code of Civil Procedure. A lien arises by
7 operation of law against the real and personal property of the
8 noncustodial parent for each installment of overdue support
9 owed by the noncustodial parent.

10 All orders for support entered or modified in a case in
11 which a party is receiving child support enforcement services
12 under this Article X shall include a provision requiring the
13 non-custodial parent to notify the Illinois Department, within
14 7 days, (i) of the name, address, and telephone number of any
15 new employer of the non-custodial parent, (ii) whether the
16 non-custodial parent has access to health insurance coverage
17 through the employer or other group coverage, and, if so, the
18 policy name and number and the names of persons covered under
19 the policy, and (iii) of any new residential or mailing address
20 or telephone number of the non-custodial parent.

21 In any subsequent action to enforce a support order, upon
22 sufficient showing that diligent effort has been made to
23 ascertain the location of the non-custodial parent, service of
24 process or provision of notice necessary in that action may be
25 made at the last known address of the non-custodial parent, in
26 any manner expressly provided by the Code of Civil Procedure or

1 this Act, which service shall be sufficient for purposes of due
2 process.

3 An order for support shall include a date on which the
4 current support obligation terminates. The termination date
5 shall be no earlier than the date on which the child covered by
6 the order will attain the age of 18. However, if the child will
7 not graduate from high school until after attaining the age of
8 18, then the termination date shall be no earlier than the
9 earlier of the date on which the child's high school graduation
10 will occur or the date on which the child will attain the age
11 of 19. The order for support shall state that the termination
12 date does not apply to any arrearage that may remain unpaid on
13 that date. Nothing in this paragraph shall be construed to
14 prevent the Illinois Department from modifying the order or
15 terminating the order in the event the child is otherwise
16 emancipated.

17 If there is an unpaid arrearage or delinquency (as those
18 terms are defined in the Income Withholding for Support Act)
19 equal to at least one month's support obligation on the
20 termination date stated in the order for support or, if there
21 is no termination date stated in the order, on the date the
22 child attains the age of majority or is otherwise emancipated,
23 then the periodic amount required to be paid for current
24 support of that child immediately prior to that date shall
25 automatically continue to be an obligation, not as current
26 support but as periodic payment toward satisfaction of the

1 unpaid arrearage or delinquency. That periodic payment shall be
2 in addition to any periodic payment previously required for
3 satisfaction of the arrearage or delinquency. The total
4 periodic amount to be paid toward satisfaction of the arrearage
5 or delinquency may be enforced and collected by any method
6 provided by law for the enforcement and collection of child
7 support, including but not limited to income withholding under
8 the Income Withholding for Support Act. Each order for support
9 entered or modified on or after the effective date of this
10 amendatory Act of the 93rd General Assembly must contain a
11 statement notifying the parties of the requirements of this
12 paragraph. Failure to include the statement in the order for
13 support does not affect the validity of the order or the
14 operation of the provisions of this paragraph with regard to
15 the order. This paragraph shall not be construed to prevent or
16 affect the establishment or modification of an order for the
17 support of a minor child or the establishment or modification
18 of an order for the support of a non-minor child or educational
19 expenses under Section 513 of the Illinois Marriage and
20 Dissolution of Marriage Act.

21 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;
22 93-1061, eff. 1-1-05.)

23 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

24 Sec. 10-10. Court enforcement; applicability also to
25 persons who are not applicants or recipients. Except where the

1 Illinois Department, by agreement, acts for the local
2 governmental unit, as provided in Section 10-3.1, local
3 governmental units shall refer to the State's Attorney or to
4 the proper legal representative of the governmental unit, for
5 judicial enforcement as herein provided, instances of
6 non-support or insufficient support when the dependents are
7 applicants or recipients under Article VI. The Child and Spouse
8 Support Unit established by Section 10-3.1 may institute in
9 behalf of the Illinois Department any actions under this
10 Section for judicial enforcement of the support liability when
11 the dependents are (a) applicants or recipients under Articles
12 III, IV, V or VII; (b) applicants or recipients in a local
13 governmental unit when the Illinois Department, by agreement,
14 acts for the unit; or (c) non-applicants or non-recipients who
15 are receiving child support enforcement services under this
16 Article X, as provided in Section 10-1. Where the Child and
17 Spouse Support Unit has exercised its option and discretion not
18 to apply the provisions of Sections 10-3 through 10-8, the
19 failure by the Unit to apply such provisions shall not be a bar
20 to bringing an action under this Section.

21 Action shall be brought in the circuit court to obtain
22 support, or for the recovery of aid granted during the period
23 such support was not provided, or both for the obtainment of
24 support and the recovery of the aid provided. Actions for the
25 recovery of aid may be taken separately or they may be
26 consolidated with actions to obtain support. Such actions may

1 be brought in the name of the person or persons requiring
2 support, or may be brought in the name of the Illinois
3 Department or the local governmental unit, as the case
4 requires, in behalf of such persons.

5 The court may enter such orders for the payment of moneys
6 for the support of the person as may be just and equitable and
7 may direct payment thereof for such period or periods of time
8 as the circumstances require, including support for a period
9 before the date the order for support is entered. The order may
10 be entered against any or all of the defendant responsible
11 relatives and may be based upon the proportionate ability of
12 each to contribute to the person's support.

13 The Court shall determine the amount of child support
14 (including child support for a period before the date the order
15 for child support is entered) by using the guidelines and
16 standards set forth in subsection (a) of Section 505 and in
17 Section 505.2 of the Illinois Marriage and Dissolution of
18 Marriage Act. For purposes of determining the amount of child
19 support to be paid for a period before the date the order for
20 child support is entered, there is a rebuttable presumption
21 that the responsible relative's net income for that period was
22 the same as his or her net income at the time the order is
23 entered.

24 If (i) the responsible relative was properly served with a
25 request for discovery of financial information relating to the
26 responsible relative's ability to provide child support, (ii)

1 the responsible relative failed to comply with the request,
2 despite having been ordered to do so by the court, and (iii)
3 the responsible relative is not present at the hearing to
4 determine support despite having received proper notice, then
5 any relevant financial information concerning the responsible
6 relative's ability to provide child support that was obtained
7 pursuant to subpoena and proper notice shall be admitted into
8 evidence without the need to establish any further foundation
9 for its admission.

10 An order entered under this Section shall include a
11 provision requiring the obligor to report to the obligee and to
12 the clerk of court within 10 days each time the obligor obtains
13 new employment, and each time the obligor's employment is
14 terminated for any reason. The report shall be in writing and
15 shall, in the case of new employment, include the name and
16 address of the new employer. Failure to report new employment
17 or the termination of current employment, if coupled with
18 nonpayment of support for a period in excess of 60 days, is
19 indirect criminal contempt. For any obligor arrested for
20 failure to report new employment bond shall be set in the
21 amount of the child support that should have been paid during
22 the period of unreported employment. An order entered under
23 this Section shall also include a provision requiring the
24 obligor and obligee parents to advise each other of a change in
25 residence within 5 days of the change except when the court
26 finds that the physical, mental, or emotional health of a party

1 or that of a minor child, or both, would be seriously
2 endangered by disclosure of the party's address.

3 The Court shall determine the amount of maintenance using
4 the standards set forth in Section 504 of the Illinois Marriage
5 and Dissolution of Marriage Act.

6 Any new or existing support order entered by the court
7 under this Section shall be deemed to be a series of judgments
8 against the person obligated to pay support thereunder, each
9 such judgment to be in the amount of each payment or
10 installment of support and each such judgment to be deemed
11 entered as of the date the corresponding payment or installment
12 becomes due under the terms of the support order. Each such
13 judgment shall have the full force, effect and attributes of
14 any other judgment of this State, including the ability to be
15 enforced. Any such judgment is subject to modification or
16 termination only in accordance with Section 510 of the Illinois
17 Marriage and Dissolution of Marriage Act. Interest shall accrue
18 on support obligations as provided in Section 12-109 of the
19 Code of Civil Procedure. A lien arises by operation of law
20 against the real and personal property of the noncustodial
21 parent for each installment of overdue support owed by the
22 noncustodial parent.

23 When an order is entered for the support of a minor, the
24 court may provide therein for reasonable visitation of the
25 minor by the person or persons who provided support pursuant to
26 the order. Whoever willfully refuses to comply with such

1 visitation order or willfully interferes with its enforcement
2 may be declared in contempt of court and punished therefor.

3 Except where the local governmental unit has entered into
4 an agreement with the Illinois Department for the Child and
5 Spouse Support Unit to act for it, as provided in Section
6 10-3.1, support orders entered by the court in cases involving
7 applicants or recipients under Article VI shall provide that
8 payments thereunder be made directly to the local governmental
9 unit. Orders for the support of all other applicants or
10 recipients shall provide that payments thereunder be made
11 directly to the Illinois Department. In accordance with federal
12 law and regulations, the Illinois Department may continue to
13 collect current maintenance payments or child support
14 payments, or both, after those persons cease to receive public
15 assistance and until termination of services under Article X.
16 The Illinois Department shall pay the net amount collected to
17 those persons after deducting any costs incurred in making the
18 collection or any collection fee from the amount of any
19 recovery made. In both cases the order shall permit the local
20 governmental unit or the Illinois Department, as the case may
21 be, to direct the responsible relative or relatives to make
22 support payments directly to the needy person, or to some
23 person or agency in his behalf, upon removal of the person from
24 the public aid rolls or upon termination of services under
25 Article X.

26 If the notice of support due issued pursuant to Section

1 10-7 directs that support payments be made directly to the
2 needy person, or to some person or agency in his behalf, and
3 the recipient is removed from the public aid rolls, court
4 action may be taken against the responsible relative hereunder
5 if he fails to furnish support in accordance with the terms of
6 such notice.

7 Actions may also be brought under this Section in behalf of
8 any person who is in need of support from responsible
9 relatives, as defined in Section 2-11 of Article II who is not
10 an applicant for or recipient of financial aid under this Code.
11 In such instances, the State's Attorney of the county in which
12 such person resides shall bring action against the responsible
13 relatives hereunder. If the Illinois Department, as authorized
14 by Section 10-1, extends the child support enforcement services
15 provided by this Article to spouses and dependent children who
16 are not applicants or recipients under this Code, the Child and
17 Spouse Support Unit established by Section 10-3.1 shall bring
18 action against the responsible relatives hereunder and any
19 support orders entered by the court in such cases shall provide
20 that payments thereunder be made directly to the Illinois
21 Department.

22 Whenever it is determined in a proceeding to establish or
23 enforce a child support or maintenance obligation that the
24 person owing a duty of support is unemployed, the court may
25 order the person to seek employment and report periodically to
26 the court with a diary, listing or other memorandum of his or

1 her efforts in accordance with such order. Additionally, the
2 court may order the unemployed person to report to the
3 Department of Employment Security for job search services or to
4 make application with the local Job Training Partnership Act
5 provider for participation in job search, training or work
6 programs and where the duty of support is owed to a child
7 receiving child support enforcement services under this
8 Article X, the court may order the unemployed person to report
9 to the Illinois Department for participation in job search,
10 training or work programs established under Section 9-6 and
11 Article IXA of this Code.

12 Whenever it is determined that a person owes past-due
13 support for a child receiving assistance under this Code, the
14 court shall order at the request of the Illinois Department:

15 (1) that the person pay the past-due support in
16 accordance with a plan approved by the court; or

17 (2) if the person owing past-due support is unemployed,
18 is subject to such a plan, and is not incapacitated, that
19 the person participate in such job search, training, or
20 work programs established under Section 9-6 and Article IXA
21 of this Code as the court deems appropriate.

22 A determination under this Section shall not be
23 administratively reviewable by the procedures specified in
24 Sections 10-12, and 10-13 to 10-13.10. Any determination under
25 these Sections, if made the basis of court action under this
26 Section, shall not affect the de novo judicial determination

1 required under this Section.

2 A one-time charge of 20% is imposable upon the amount of
3 past-due child support owed on July 1, 1988 which has accrued
4 under a support order entered by the court. The charge shall be
5 imposed in accordance with the provisions of Section 10-21 of
6 this Code and shall be enforced by the court upon petition.

7 All orders for support, when entered or modified, shall
8 include a provision requiring the non-custodial parent to
9 notify the court and, in cases in which a party is receiving
10 child support enforcement services under this Article X, the
11 Illinois Department, within 7 days, (i) of the name, address,
12 and telephone number of any new employer of the non-custodial
13 parent, (ii) whether the non-custodial parent has access to
14 health insurance coverage through the employer or other group
15 coverage and, if so, the policy name and number and the names
16 of persons covered under the policy, and (iii) of any new
17 residential or mailing address or telephone number of the
18 non-custodial parent. In any subsequent action to enforce a
19 support order, upon a sufficient showing that a diligent effort
20 has been made to ascertain the location of the non-custodial
21 parent, service of process or provision of notice necessary in
22 the case may be made at the last known address of the
23 non-custodial parent in any manner expressly provided by the
24 Code of Civil Procedure or this Code, which service shall be
25 sufficient for purposes of due process.

26 An order for support shall include a date on which the

1 current support obligation terminates. The termination date
2 shall be no earlier than the date on which the child covered by
3 the order will attain the age of 18. However, if the child will
4 not graduate from high school until after attaining the age of
5 18, then the termination date shall be no earlier than the
6 earlier of the date on which the child's high school graduation
7 will occur or the date on which the child will attain the age
8 of 19. The order for support shall state that the termination
9 date does not apply to any arrearage that may remain unpaid on
10 that date. Nothing in this paragraph shall be construed to
11 prevent the court from modifying the order or terminating the
12 order in the event the child is otherwise emancipated.

13 If there is an unpaid arrearage or delinquency (as those
14 terms are defined in the Income Withholding for Support Act)
15 equal to at least one month's support obligation on the
16 termination date stated in the order for support or, if there
17 is no termination date stated in the order, on the date the
18 child attains the age of majority or is otherwise emancipated,
19 then the periodic amount required to be paid for current
20 support of that child immediately prior to that date shall
21 automatically continue to be an obligation, not as current
22 support but as periodic payment toward satisfaction of the
23 unpaid arrearage or delinquency. That periodic payment shall be
24 in addition to any periodic payment previously required for
25 satisfaction of the arrearage or delinquency. The total
26 periodic amount to be paid toward satisfaction of the arrearage

1 or delinquency may be enforced and collected by any method
2 provided by law for the enforcement and collection of child
3 support, including but not limited to income withholding under
4 the Income Withholding for Support Act. Each order for support
5 entered or modified on or after the effective date of this
6 amendatory Act of the 93rd General Assembly must contain a
7 statement notifying the parties of the requirements of this
8 paragraph. Failure to include the statement in the order for
9 support does not affect the validity of the order or the
10 operation of the provisions of this paragraph with regard to
11 the order. This paragraph shall not be construed to prevent or
12 affect the establishment or modification of an order for the
13 support of a minor child or the establishment or modification
14 of an order for the support of a non-minor child or educational
15 expenses under Section 513 of the Illinois Marriage and
16 Dissolution of Marriage Act.

17 Payments under this Section to the Illinois Department
18 pursuant to the Child Support Enforcement Program established
19 by Title IV-D of the Social Security Act shall be paid into the
20 Child Support Enforcement Trust Fund. All payments under this
21 Section to the Illinois Department of Human Services shall be
22 deposited in the DHS Recoveries Trust Fund. Disbursements from
23 these funds shall be as provided in Sections 12-9.1 and 12-10.2
24 of this Code. Payments received by a local governmental unit
25 shall be deposited in that unit's General Assistance Fund.

26 To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Sections 10-10.4 and 10-26 of this
3 Code, the requirements pertaining to the State Disbursement
4 Unit shall apply.

5 (Source: P.A. 94-88, eff. 1-1-06; 95-331, eff. 8-21-07.)

6 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

7 Sec. 10-11. Administrative Orders. In lieu of actions for
8 court enforcement of support under Section 10-10, the Child and
9 Spouse Support Unit of the Illinois Department, in accordance
10 with the rules of the Illinois Department, may issue an
11 administrative order requiring the responsible relative to
12 comply with the terms of the determination and notice of
13 support due, determined and issued under Sections 10-6 and
14 10-7. The Unit may also enter an administrative order under
15 subsection (b) of Section 10-7. The administrative order shall
16 be served upon the responsible relative by United States
17 registered or certified mail. In cases in which the responsible
18 relative appeared at the office of the Child and Spouse Support
19 Unit in response to the notice of support obligation issued
20 under Section 10-4, however, or in cases of default in which
21 the notice was served on the responsible relative by certified
22 mail, return receipt requested, or by any method provided by
23 law for service of summons, the administrative determination of
24 paternity or administrative support order may be sent to the
25 responsible relative by ordinary mail addressed to the

1 responsible relative's last known address.

2 If a responsible relative or a person receiving child
3 support enforcement services under this Article fails to
4 petition the Illinois Department for release from or
5 modification of the administrative order, as provided in
6 Section 10-12 or Section 10-12.1, the order shall become final
7 and there shall be no further administrative or judicial
8 remedy. Likewise a decision by the Illinois Department as a
9 result of an administrative hearing, as provided in Sections
10 10-13 to 10-13.10, shall become final and enforceable if not
11 judicially reviewed under the Administrative Review Law, as
12 provided in Section 10-14.

13 Any new or existing support order entered by the Illinois
14 Department under this Section shall be deemed to be a series of
15 judgments against the person obligated to pay support
16 thereunder, each such judgment to be in the amount of each
17 payment or installment of support and each such judgment to be
18 deemed entered as of the date the corresponding payment or
19 installment becomes due under the terms of the support order.
20 Each such judgment shall have the full force, effect and
21 attributes of any other judgment of this State, including the
22 ability to be enforced. Any such judgment is subject to
23 modification or termination only in accordance with Section 510
24 of the Illinois Marriage and Dissolution of Marriage Act.
25 Interest shall accrue on support obligations as provided in
26 Section 12-109 of the Code of Civil Procedure. A lien arises by

1 operation of law against the real and personal property of the
2 noncustodial parent for each installment of overdue support
3 owed by the noncustodial parent.

4 An order for support shall include a date on which the
5 current support obligation terminates. The termination date
6 shall be no earlier than the date on which the child covered by
7 the order will attain the age of majority or is otherwise
8 emancipated. The order for support shall state that the
9 termination date does not apply to any arrearage that may
10 remain unpaid on that date. Nothing in this paragraph shall be
11 construed to prevent modification of the order by the
12 Department.

13 If there is an unpaid arrearage or delinquency (as those
14 terms are defined in the Income Withholding for Support Act)
15 equal to at least one month's support obligation on the
16 termination date stated in the order for support or, if there
17 is no termination date stated in the order, on the date the
18 child attains the age of majority or is otherwise emancipated,
19 then the periodic amount required to be paid for current
20 support of that child immediately prior to that date shall
21 automatically continue to be an obligation, not as current
22 support but as periodic payment toward satisfaction of the
23 unpaid arrearage or delinquency. That periodic payment shall be
24 in addition to any periodic payment previously required for
25 satisfaction of the arrearage or delinquency. The total
26 periodic amount to be paid toward satisfaction of the arrearage

1 or delinquency may be enforced and collected by any method
2 provided by law for the enforcement and collection of child
3 support, including but not limited to income withholding under
4 the Income Withholding for Support Act. Each order for support
5 entered or modified on or after the effective date of this
6 amendatory Act of the 93rd General Assembly must contain a
7 statement notifying the parties of the requirements of this
8 paragraph. Failure to include the statement in the order for
9 support does not affect the validity of the order or the
10 operation of the provisions of this paragraph with regard to
11 the order. This paragraph shall not be construed to prevent or
12 affect the establishment or modification of an order for the
13 support of a minor child or the establishment or modification
14 of an order for the support of a non-minor child or educational
15 expenses under Section 513 of the Illinois Marriage and
16 Dissolution of Marriage Act.

17 An order for support shall include a date on which the
18 support obligation terminates. The termination date shall be no
19 earlier than the date on which the child covered by the order
20 will attain the age of 18. However, if the child will not
21 graduate from high school until after attaining the age of 18,
22 then the termination date shall be no earlier than the earlier
23 of the date that the child's graduation will occur or the date
24 on which the child will attain the age of 19. The order for
25 support shall state that the termination date does not apply to
26 any arrearage that may remain unpaid on that date. Nothing in

1 this paragraph shall be construed to prevent the Illinois
2 Department from modifying the order or terminating the order in
3 the event the child is otherwise emancipated.

4 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;
5 93-1061, eff. 1-1-05.)

6 (305 ILCS 5/10-15.1 new)

7 Sec. 10-15.1. Judicial registration of administrative
8 support orders.

9 (a) A final administrative support order established by the
10 Illinois Department under this Article X may be registered in
11 the appropriate circuit court of this State by the Department
12 or by a party to the order by filing:

13 (1) Two copies, including one certified copy of the
14 order to be registered, any modification of the
15 administrative support order, any voluntary acknowledgment
16 of paternity pertaining to the child covered by the order,
17 and the documents showing service of the notice of support
18 obligation that commenced the procedure for establishment
19 of the administrative support order pursuant to Section
20 10-4 of this Code.

21 (2) A sworn statement by the person requesting
22 registration or a certified copy of the Department payment
23 record showing the amount of any past due support accrued
24 under the administrative support order.

25 (3) The name of the obligor and, if known, the

1 obligor's address and social security number.

2 (4) The name of the obligee and the obligee's address,
3 unless the obligee alleges in an affidavit or pleading
4 under oath that the health, safety, or liberty of the
5 obligee or child would be jeopardized by disclosure of
6 specific identifying information, in which case that
7 information must be sealed and may not be disclosed to the
8 other party or public. After a hearing in which the court
9 takes into consideration the health, safety, or liberty of
10 the party or child, the court may order disclosure of
11 information that the court determines to be in the interest
12 of justice.

13 (b) The filing of an administrative support order under
14 Subsection (a) constitutes registration with the circuit
15 court.

16 (c) A petition or comparable pleading seeking a remedy that
17 must be affirmatively sought under other law of this State may
18 be filed at the same time as the request for registration or
19 later. The pleading must specify the grounds for the remedy
20 sought.

21 (d) When an administrative support order is registered, the
22 court shall notify the nonregistering party and the Illinois
23 Department, unless the Department is requesting registration
24 of its order. The notice, which shall be served on the
25 nonregistering party by any method provided by law for service
26 of a summons, must be accompanied by a copy of the registered

1 administrative support order and the documents and relevant
2 information accompanying the order.

3 (e) A notice of registration of an administrative support
4 order must provide the following information:

5 (1) That a registered administrative order is
6 enforceable in the same manner as an order for support
7 issued by the circuit court.

8 (2) That a hearing to contest enforcement of the
9 registered administrative support order must be requested
10 within 30 days after the date of service of the notice.

11 (3) That failure to contest, in a timely manner, the
12 enforcement of the registered administrative support order
13 shall result in confirmation of the order and enforcement
14 of the order and the alleged arrearages and precludes
15 further contest of that order with respect to any matter
16 that could have been asserted.

17 (4) The amount of any alleged arrearages.

18 (f) A nonregistering party seeking to contest enforcement
19 of a registered administrative support order shall request a
20 hearing within 30 days after the date of service of notice of
21 the registration. The nonregistering party may seek to vacate
22 the registration, to assert any defense to an allegation of
23 noncompliance with the registered administrative support
24 order, or to contest the remedies being sought or the amount of
25 any alleged arrearages.

26 (g) If the nonregistering party fails to contest the

1 enforcement of the registered administrative support order in a
2 timely manner, the order shall be confirmed by operation of
3 law.

4 (h) If a nonregistering party requests a hearing to contest
5 the enforcement of the registered administrative support
6 order, the circuit court shall schedule the matter for hearing
7 and give notice to the parties and the Illinois Department of
8 the date, time, and place of the hearing.

9 (i) A party contesting the enforcement of a registered
10 administrative support order or seeking to vacate the
11 registration has the burden of proving one or more of the
12 following defenses:

13 (1) The Illinois Department lacked personal
14 jurisdiction over the contesting party.

15 (2) The administrative support order was obtained by
16 fraud.

17 (3) The administrative support order has been vacated,
18 suspended, or modified by a later order.

19 (4) The Illinois Department has stayed the
20 administrative support order pending appeal.

21 (5) There is a defense under the law to the remedy
22 sought.

23 (6) Full or partial payment has been made.

24 (j) If a party presents evidence establishing a full or
25 partial payment defense under subsection (i), the court may
26 stay enforcement of the registered order, continue the

1 proceeding to permit production of additional relevant
2 evidence, and issue other appropriate orders. An uncontested
3 portion of the registered administrative support order may be
4 enforced by all remedies available under State law.

5 (k) If a contesting party does not establish a defense
6 under subsection (i) to the enforcement of the administrative
7 support order, the court shall issue an order confirming the
8 administrative support order. Confirmation of the registered
9 administrative support order, whether by operation of law or
10 after notice and hearing, precludes further contest of the
11 order with respect to any matter that could have been asserted
12 at the time of registration. Upon confirmation, the registered
13 administrative support order shall be treated in the same
14 manner as a support order entered by the circuit court,
15 including the ability of the court to entertain a petition to
16 modify the administrative support order due to a substantial
17 change in circumstances, or petitions for visitation or custody
18 of the child or children covered by the administrative support
19 order. Nothing in this Section shall be construed to alter the
20 effect of a final administrative support order, or the
21 restriction of judicial review of such a final order to the
22 provisions of the Administrative Review Law, as provided in
23 Section 10-11 of this Code.

24 (305 ILCS 5/10-17.1) (from Ch. 23, par. 10-17.1)

25 Sec. 10-17.1. Administrative Order by Registration. The

1 Illinois Department may provide by rule for the administrative
2 registration of a support order entered by a court or
3 administrative body of another state. The purpose of
4 registration shall be to enforce or modify the order in
5 accordance with the provisions of the Uniform Interstate Family
6 Support Act. Upon registration, such support order shall become
7 an administrative order of the Child and Spouse Support Unit by
8 operation of law. The rule shall provide for notice to and an
9 opportunity to be heard by the responsible relative and
10 custodial parent affected, and any final administrative
11 decision rendered by the Department shall be reviewed only
12 under and in accordance with the Administrative Review Law.

13 Any new or existing support order registered by the
14 Illinois Department under this Section shall be deemed to be a
15 series of judgments against the person obligated to pay support
16 thereunder, each such judgment to be in the amount of each
17 payment or installment of support and each such judgment to be
18 deemed entered as of the date the corresponding payment or
19 installment becomes due under the terms of the support order.
20 Each such judgment shall be enforceable in the same manner as
21 any other judgment in this State. Interest shall accrue on
22 support obligations as provided in Section 12-109 of the Code
23 of Civil Procedure. A lien arises by operation of law against
24 the real and personal property of the noncustodial parent for
25 each installment of overdue support owed by the noncustodial
26 parent.

1 A one-time charge of 20% is imposable upon the amount of
2 past-due child support owed on July 1, 1988, which has accrued
3 under a support order registered by the Illinois Department
4 under this Section. The charge shall be imposed in accordance
5 with the provisions of Section 10-21 and shall be enforced by
6 the court in a suit filed under Section 10-15.

7 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98.)

8 (305 ILCS 5/10-16.5 rep.)

9 Section 7. The Illinois Public Aid Code is amended by
10 repealing Section 10-16.5.

11 Section 10. The Code of Civil Procedure is amended by
12 changing Section 12-109 as follows:

13 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

14 Sec. 12-109. Interest on judgments.

15 (a) Every judgment except those arising by operation of law
16 from child support orders shall bear interest thereon as
17 provided in Section 2-1303.

18 (b) Every judgment arising by operation of law from a
19 support order and judgments for retroactive support shall bear
20 interest as provided in this subsection. The interest on
21 judgments arising by operation of law from support orders and
22 judgments for retroactive support shall be calculated by
23 applying one-twelfth of the current statutory interest rate as

1 provided in Section 2-1303 to the unpaid balances, as of the
2 end of the calendar month, of arrearages and any judgments for
3 retroactive support as previously determined by the court and
4 incorporated into an order for support. Interest on such court
5 determinations of arrearages and judgments for retroactive
6 support shall commence accrual starting at the end of the month
7 after the month in which the court's order was entered. The
8 accrued interest shall not be included in the unpaid support
9 balances when calculating interest at the end of the month. The
10 unpaid support balances of arrearages and any judgments for
11 retroactive support as of the end of each month shall be
12 determined by applying all payments received for the month as
13 follows: first, to the total monthly current support
14 obligation; second, to any delinquency that has accrued since
15 the last order for support was entered; third, to any unpaid
16 arrearages and balances on any judgments for retroactive
17 support; and fourth, to any accrued interest. Federal income
18 tax refund intercepts shall be applied in accordance with
19 federal law and regulation. The terms "arrearage" and
20 "delinquency" are defined as provided in the Income Withholding
21 for Support Act. Every judgment arising by operation of law
22 from a child support order shall bear interest as provided in
23 this subsection. The interest on judgments arising by operation
24 of law from child support orders shall be calculated by
25 applying one twelfth of the current statutory interest rate as
26 provided in Section 2-1303 to the unpaid child support balance

1 ~~as of the end of each calendar month. The unpaid child support~~
2 ~~balance at the end of the month is the total amount of child~~
3 ~~support ordered, excluding the child support that was due for~~
4 ~~that month to the extent that it was not paid in that month and~~
5 ~~including judgments for retroactive child support, less all~~
6 ~~payments received and applied as set forth in this subsection.~~
7 ~~The accrued interest shall not be included in the unpaid child~~
8 ~~support balance when calculating interest at the end of the~~
9 ~~month. The unpaid child support balance as of the end of each~~
10 ~~month shall be determined by calculating the current monthly~~
11 ~~child support obligation and applying all payments received for~~
12 ~~that month, except federal income tax refund intercepts, first~~
13 ~~to the current monthly child support obligation and then~~
14 ~~applying any payments in excess of the current monthly child~~
15 ~~support obligation to the unpaid child support balance owed~~
16 ~~from previous months. The current monthly child support~~
17 ~~obligation shall be determined from the document that~~
18 ~~established the support obligation. Federal income tax refund~~
19 ~~intercepts and any payments in excess of the current monthly~~
20 ~~child support obligation shall be applied to the unpaid child~~
21 ~~support balance. Any payments in excess of the current monthly~~
22 ~~child support obligation and the unpaid child support balance~~
23 ~~shall be applied to the accrued interest on the unpaid child~~
24 ~~support balance. Interest on child support obligations may be~~
25 ~~collected by any means available under federal and State laws,~~
26 ~~rules, and regulations providing for the collection of child~~

1 ~~support.~~

2 (Source: P.A. 94-90, eff. 1-1-06.)

3 Section 15. The Illinois Marriage and Dissolution of
4 Marriage Act is amended by changing Sections 504 and 505 as
5 follows:

6 (750 ILCS 5/504) (from Ch. 40, par. 504)

7 Sec. 504. Maintenance.

8 (a) In a proceeding for dissolution of marriage or legal
9 separation or declaration of invalidity of marriage, or a
10 proceeding for maintenance following dissolution of the
11 marriage by a court which lacked personal jurisdiction over the
12 absent spouse, the court may grant a temporary or permanent
13 maintenance award for either spouse in amounts and for periods
14 of time as the court deems just, without regard to marital
15 misconduct, in gross or for fixed or indefinite periods of
16 time, and the maintenance may be paid from the income or
17 property of the other spouse after consideration of all
18 relevant factors, including:

19 (1) the income and property of each party, including
20 marital property apportioned and non-marital property
21 assigned to the party seeking maintenance;

22 (2) the needs of each party;

23 (3) the present and future earning capacity of each
24 party;

1 (4) any impairment of the present and future earning
2 capacity of the party seeking maintenance due to that party
3 devoting time to domestic duties or having forgone or
4 delayed education, training, employment, or career
5 opportunities due to the marriage;

6 (5) the time necessary to enable the party seeking
7 maintenance to acquire appropriate education, training,
8 and employment, and whether that party is able to support
9 himself or herself through appropriate employment or is the
10 custodian of a child making it appropriate that the
11 custodian not seek employment;

12 (6) the standard of living established during the
13 marriage;

14 (7) the duration of the marriage;

15 (8) the age and the physical and emotional condition of
16 both parties;

17 (9) the tax consequences of the property division upon
18 the respective economic circumstances of the parties;

19 (10) contributions and services by the party seeking
20 maintenance to the education, training, career or career
21 potential, or license of the other spouse;

22 (11) any valid agreement of the parties; and

23 (12) any other factor that the court expressly finds to
24 be just and equitable.

25 (b) (Blank).

26 (b-5) Any maintenance obligation including any unallocated

1 maintenance and child support obligation, or any portion of any
2 support obligation, that becomes due and remains unpaid shall
3 accrue simple interest as set forth in Section 505 of this Act.

4 (b-7) Any new or existing maintenance order including any
5 unallocated maintenance and child support order entered by the
6 court under this Section shall be deemed to be a series of
7 judgments against the person obligated to pay support
8 thereunder. Each such judgment to be in the amount of each
9 payment or installment of support and each such judgment to be
10 deemed entered as of the date the corresponding payment or
11 installment becomes due under the terms of the support order,
12 except no judgment shall arise as to any installment coming due
13 after the termination of maintenance as provided by Section 510
14 of the Illinois Marriage and Dissolution of Marriage Act or the
15 provisions of any order for maintenance. Each such judgment
16 shall have the full force, effect and attributes of any other
17 judgment of this State, including the ability to be enforced.
18 Interest shall accrue on maintenance obligations including
19 unallocated maintenance and child support obligations as
20 provided in Section 12-109 of the Code of Civil Procedure. A
21 lien arises by operation of law against the real and personal
22 property of the obligor for each installment of overdue support
23 owed by the obligor.

24 (c) The court may grant and enforce the payment of
25 maintenance during the pendency of an appeal as the court shall
26 deem reasonable and proper.

1 (d) No maintenance shall accrue during the period in which
2 a party is imprisoned for failure to comply with the court's
3 order for the payment of such maintenance.

4 (e) When maintenance is to be paid through the clerk of the
5 court in a county of 1,000,000 inhabitants or less, the order
6 shall direct the obligor to pay to the clerk, in addition to
7 the maintenance payments, all fees imposed by the county board
8 under paragraph (3) of subsection (u) of Section 27.1 of the
9 Clerks of Courts Act. Unless paid in cash or pursuant to an
10 order for withholding, the payment of the fee shall be by a
11 separate instrument from the support payment and shall be made
12 to the order of the Clerk.

13 (Source: P.A. 94-89, eff. 1-1-06.)

14 (750 ILCS 5/505) (from Ch. 40, par. 505)

15 Sec. 505. Child support; contempt; penalties.

16 (a) In a proceeding for dissolution of marriage, legal
17 separation, declaration of invalidity of marriage, a
18 proceeding for child support following dissolution of the
19 marriage by a court which lacked personal jurisdiction over the
20 absent spouse, a proceeding for modification of a previous
21 order for child support under Section 510 of this Act, or any
22 proceeding authorized under Section 501 or 601 of this Act, the
23 court may order either or both parents owing a duty of support
24 to a child of the marriage to pay an amount reasonable and
25 necessary for his support, without regard to marital

1 misconduct. The duty of support owed to a child includes the
 2 obligation to provide for the reasonable and necessary
 3 physical, mental and emotional health needs of the child. For
 4 purposes of this Section, the term "child" shall include any
 5 child under age 18 and any child under age 19 who is still
 6 attending high school.

7 (1) The Court shall determine the minimum amount of
 8 support by using the following guidelines:

9 Number of Children	Percent of Supporting Party's 10 Net Income
11 1	20%
12 2	28%
13 3	32%
14 4	40%
15 5	45%
16 6 or more	50%

17 (2) The above guidelines shall be applied in each case
 18 unless the court makes a finding that application of the
 19 guidelines would be inappropriate, after considering the
 20 best interests of the child in light of evidence including
 21 but not limited to one or more of the following relevant
 22 factors:

23 (a) the financial resources and needs of the child;

24 (b) the financial resources and needs of the
 25 custodial parent;

26 (c) the standard of living the child would have

1 enjoyed had the marriage not been dissolved;

2 (d) the physical and emotional condition of the
3 child, and his educational needs; and

4 (e) the financial resources and needs of the
5 non-custodial parent.

6 If the court deviates from the guidelines, the court's
7 finding shall state the amount of support that would have
8 been required under the guidelines, if determinable. The
9 court shall include the reason or reasons for the variance
10 from the guidelines.

11 (3) "Net income" is defined as the total of all income
12 from all sources, minus the following deductions:

13 (a) Federal income tax (properly calculated
14 withholding or estimated payments);

15 (b) State income tax (properly calculated
16 withholding or estimated payments);

17 (c) Social Security (FICA payments);

18 (d) Mandatory retirement contributions required by
19 law or as a condition of employment;

20 (e) Union dues;

21 (f) Dependent and individual
22 health/hospitalization insurance premiums;

23 (g) Prior obligations of support or maintenance
24 actually paid pursuant to a court order;

25 (h) Expenditures for repayment of debts that
26 represent reasonable and necessary expenses for the

1 production of income, medical expenditures necessary
2 to preserve life or health, reasonable expenditures
3 for the benefit of the child and the other parent,
4 exclusive of gifts. The court shall reduce net income
5 in determining the minimum amount of support to be
6 ordered only for the period that such payments are due
7 and shall enter an order containing provisions for its
8 self-executing modification upon termination of such
9 payment period;

10 (i) Foster care payments paid by the Department of
11 Children and Family Services for providing licensed
12 foster care to a foster child.

13 (4) In cases where the court order provides for
14 health/hospitalization insurance coverage pursuant to
15 Section 505.2 of this Act, the premiums for that insurance,
16 or that portion of the premiums for which the supporting
17 party is responsible in the case of insurance provided
18 through an employer's health insurance plan where the
19 employer pays a portion of the premiums, shall be
20 subtracted from net income in determining the minimum
21 amount of support to be ordered.

22 (4.5) In a proceeding for child support following
23 dissolution of the marriage by a court that lacked personal
24 jurisdiction over the absent spouse, and in which the court
25 is requiring payment of support for the period before the
26 date an order for current support is entered, there is a

1 rebuttable presumption that the supporting party's net
2 income for the prior period was the same as his or her net
3 income at the time the order for current support is
4 entered.

5 (5) If the net income cannot be determined because of
6 default or any other reason, the court shall order support
7 in an amount considered reasonable in the particular case.
8 The final order in all cases shall state the support level
9 in dollar amounts. However, if the court finds that the
10 child support amount cannot be expressed exclusively as a
11 dollar amount because all or a portion of the payor's net
12 income is uncertain as to source, time of payment, or
13 amount, the court may order a percentage amount of support
14 in addition to a specific dollar amount and enter such
15 other orders as may be necessary to determine and enforce,
16 on a timely basis, the applicable support ordered.

17 (6) If (i) the non-custodial parent was properly served
18 with a request for discovery of financial information
19 relating to the non-custodial parent's ability to provide
20 child support, (ii) the non-custodial parent failed to
21 comply with the request, despite having been ordered to do
22 so by the court, and (iii) the non-custodial parent is not
23 present at the hearing to determine support despite having
24 received proper notice, then any relevant financial
25 information concerning the non-custodial parent's ability
26 to provide child support that was obtained pursuant to

1 subpoena and proper notice shall be admitted into evidence
2 without the need to establish any further foundation for
3 its admission.

4 (a-5) In an action to enforce an order for support based on
5 the respondent's failure to make support payments as required
6 by the order, notice of proceedings to hold the respondent in
7 contempt for that failure may be served on the respondent by
8 personal service or by regular mail addressed to the
9 respondent's last known address. The respondent's last known
10 address may be determined from records of the clerk of the
11 court, from the Federal Case Registry of Child Support Orders,
12 or by any other reasonable means.

13 (b) Failure of either parent to comply with an order to pay
14 support shall be punishable as in other cases of contempt. In
15 addition to other penalties provided by law the Court may,
16 after finding the parent guilty of contempt, order that the
17 parent be:

18 (1) placed on probation with such conditions of
19 probation as the Court deems advisable;

20 (2) sentenced to periodic imprisonment for a period not
21 to exceed 6 months; provided, however, that the Court may
22 permit the parent to be released for periods of time during
23 the day or night to:

24 (A) work; or

25 (B) conduct a business or other self-employed
26 occupation.

1 The Court may further order any part or all of the earnings
2 of a parent during a sentence of periodic imprisonment paid to
3 the Clerk of the Circuit Court or to the parent having custody
4 or to the guardian having custody of the children of the
5 sentenced parent for the support of said children until further
6 order of the Court.

7 If there is a unity of interest and ownership sufficient to
8 render no financial separation between a non-custodial parent
9 and another person or persons or business entity, the court may
10 pierce the ownership veil of the person, persons, or business
11 entity to discover assets of the non-custodial parent held in
12 the name of that person, those persons, or that business
13 entity. The following circumstances are sufficient to
14 authorize a court to order discovery of the assets of a person,
15 persons, or business entity and to compel the application of
16 any discovered assets toward payment on the judgment for
17 support:

18 (1) the non-custodial parent and the person, persons,
19 or business entity maintain records together.

20 (2) the non-custodial parent and the person, persons,
21 or business entity fail to maintain an arms length
22 relationship between themselves with regard to any assets.

23 (3) the non-custodial parent transfers assets to the
24 person, persons, or business entity with the intent to
25 perpetrate a fraud on the custodial parent.

26 With respect to assets which are real property, no order

1 entered under this paragraph shall affect the rights of bona
2 fide purchasers, mortgagees, judgment creditors, or other lien
3 holders who acquire their interests in the property prior to
4 the time a notice of lis pendens pursuant to the Code of Civil
5 Procedure or a copy of the order is placed of record in the
6 office of the recorder of deeds for the county in which the
7 real property is located.

8 The court may also order in cases where the parent is 90
9 days or more delinquent in payment of support or has been
10 adjudicated in arrears in an amount equal to 90 days obligation
11 or more, that the parent's Illinois driving privileges be
12 suspended until the court determines that the parent is in
13 compliance with the order of support. The court may also order
14 that the parent be issued a family financial responsibility
15 driving permit that would allow limited driving privileges for
16 employment and medical purposes in accordance with Section
17 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
18 court shall certify the order suspending the driving privileges
19 of the parent or granting the issuance of a family financial
20 responsibility driving permit to the Secretary of State on
21 forms prescribed by the Secretary. Upon receipt of the
22 authenticated documents, the Secretary of State shall suspend
23 the parent's driving privileges until further order of the
24 court and shall, if ordered by the court, subject to the
25 provisions of Section 7-702.1 of the Illinois Vehicle Code,
26 issue a family financial responsibility driving permit to the

1 parent.

2 In addition to the penalties or punishment that may be
3 imposed under this Section, any person whose conduct
4 constitutes a violation of Section 15 of the Non-Support
5 Punishment Act may be prosecuted under that Act, and a person
6 convicted under that Act may be sentenced in accordance with
7 that Act. The sentence may include but need not be limited to a
8 requirement that the person perform community service under
9 Section 50 of that Act or participate in a work alternative
10 program under Section 50 of that Act. A person may not be
11 required to participate in a work alternative program under
12 Section 50 of that Act if the person is currently participating
13 in a work program pursuant to Section 505.1 of this Act.

14 ~~A support obligation, or any portion of a support~~
15 ~~obligation, which becomes due and remains unpaid as of the end~~
16 ~~of each month, excluding the child support that was due for~~
17 ~~that month to the extent that it was not paid in that month,~~
18 ~~shall accrue simple interest as set forth in Section 12-109 of~~
19 ~~the Code of Civil Procedure. An order for support entered or~~
20 ~~modified on or after January 1, 2006 shall contain a statement~~
21 ~~that a support obligation required under the order, or any~~
22 ~~portion of a support obligation required under the order, that~~
23 ~~becomes due and remains unpaid as of the end of each month,~~
24 ~~excluding the child support that was due for that month to the~~
25 ~~extent that it was not paid in that month, shall accrue simple~~
26 ~~interest as set forth in Section 12-109 of the Code of Civil~~

1 ~~Procedure. Failure to include the statement in the order for~~
2 ~~support does not affect the validity of the order or the~~
3 ~~accrual of interest as provided in this Section.~~

4 (c) A one-time charge of 20% is imposable upon the amount
5 of past-due child support owed on July 1, 1988 which has
6 accrued under a support order entered by the court. The charge
7 shall be imposed in accordance with the provisions of Section
8 10-21 of the Illinois Public Aid Code and shall be enforced by
9 the court upon petition.

10 (d) Any new or existing support order entered by the court
11 under this Section shall be deemed to be a series of judgments
12 against the person obligated to pay support thereunder, each
13 such judgment to be in the amount of each payment or
14 installment of support and each such judgment to be deemed
15 entered as of the date the corresponding payment or installment
16 becomes due under the terms of the support order. Each such
17 judgment shall have the full force, effect and attributes of
18 any other judgment of this State, including the ability to be
19 enforced. Interest shall accrue on support obligations as
20 provided in Section 12-109 of the Code of Civil Procedure. A
21 lien arises by operation of law against the real and personal
22 property of the noncustodial parent for each installment of
23 overdue support owed by the noncustodial parent.

24 (e) When child support is to be paid through the clerk of
25 the court in a county of 1,000,000 inhabitants or less, the
26 order shall direct the obligor to pay to the clerk, in addition

1 to the child support payments, all fees imposed by the county
2 board under paragraph (3) of subsection (u) of Section 27.1 of
3 the Clerks of Courts Act. Unless paid in cash or pursuant to an
4 order for withholding, the payment of the fee shall be by a
5 separate instrument from the support payment and shall be made
6 to the order of the Clerk.

7 (f) All orders for support, when entered or modified, shall
8 include a provision requiring the obligor to notify the court
9 and, in cases in which a party is receiving child and spouse
10 services under Article X of the Illinois Public Aid Code, the
11 Department of Healthcare and Family Services, within 7 days,
12 (i) of the name and address of any new employer of the obligor,
13 (ii) whether the obligor has access to health insurance
14 coverage through the employer or other group coverage and, if
15 so, the policy name and number and the names of persons covered
16 under the policy, and (iii) of any new residential or mailing
17 address or telephone number of the non-custodial parent. In any
18 subsequent action to enforce a support order, upon a sufficient
19 showing that a diligent effort has been made to ascertain the
20 location of the non-custodial parent, service of process or
21 provision of notice necessary in the case may be made at the
22 last known address of the non-custodial parent in any manner
23 expressly provided by the Code of Civil Procedure or this Act,
24 which service shall be sufficient for purposes of due process.

25 (g) An order for support shall include a date on which the
26 current support obligation terminates. The termination date

1 shall be no earlier than the date on which the child covered by
2 the order will attain the age of 18. However, if the child will
3 not graduate from high school until after attaining the age of
4 18, then the termination date shall be no earlier than the
5 earlier of the date on which the child's high school graduation
6 will occur or the date on which the child will attain the age
7 of 19. The order for support shall state that the termination
8 date does not apply to any arrearage that may remain unpaid on
9 that date. Nothing in this subsection shall be construed to
10 prevent the court from modifying the order or terminating the
11 order in the event the child is otherwise emancipated.

12 (g-5) If there is an unpaid arrearage or delinquency (as
13 those terms are defined in the Income Withholding for Support
14 Act) equal to at least one month's support obligation on the
15 termination date stated in the order for support or, if there
16 is no termination date stated in the order, on the date the
17 child attains the age of majority or is otherwise emancipated,
18 the periodic amount required to be paid for current support of
19 that child immediately prior to that date shall automatically
20 continue to be an obligation, not as current support but as
21 periodic payment toward satisfaction of the unpaid arrearage or
22 delinquency. That periodic payment shall be in addition to any
23 periodic payment previously required for satisfaction of the
24 arrearage or delinquency. The total periodic amount to be paid
25 toward satisfaction of the arrearage or delinquency may be
26 enforced and collected by any method provided by law for

1 enforcement and collection of child support, including but not
2 limited to income withholding under the Income Withholding for
3 Support Act. Each order for support entered or modified on or
4 after the effective date of this amendatory Act of the 93rd
5 General Assembly must contain a statement notifying the parties
6 of the requirements of this subsection. Failure to include the
7 statement in the order for support does not affect the validity
8 of the order or the operation of the provisions of this
9 subsection with regard to the order. This subsection shall not
10 be construed to prevent or affect the establishment or
11 modification of an order for support of a minor child or the
12 establishment or modification of an order for support of a
13 non-minor child or educational expenses under Section 513 of
14 this Act.

15 (h) An order entered under this Section shall include a
16 provision requiring the obligor to report to the obligee and to
17 the clerk of court within 10 days each time the obligor obtains
18 new employment, and each time the obligor's employment is
19 terminated for any reason. The report shall be in writing and
20 shall, in the case of new employment, include the name and
21 address of the new employer. Failure to report new employment
22 or the termination of current employment, if coupled with
23 nonpayment of support for a period in excess of 60 days, is
24 indirect criminal contempt. For any obligor arrested for
25 failure to report new employment bond shall be set in the
26 amount of the child support that should have been paid during

1 the period of unreported employment. An order entered under
2 this Section shall also include a provision requiring the
3 obligor and obligee parents to advise each other of a change in
4 residence within 5 days of the change except when the court
5 finds that the physical, mental, or emotional health of a party
6 or that of a child, or both, would be seriously endangered by
7 disclosure of the party's address.

8 (i) The court does not lose the powers of contempt,
9 driver's license suspension, or other child support
10 enforcement mechanisms, including, but not limited to,
11 criminal prosecution as set forth in this Act, upon the
12 emancipation of the minor child or children.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

14 Section 20. The Non-Support Punishment Act is amended by
15 changing Section 20 as follows:

16 (750 ILCS 16/20)

17 Sec. 20. Entry of order for support; income withholding.

18 (a) In a case in which no court or administrative order for
19 support is in effect against the defendant:

20 (1) at any time before the trial, upon motion of the
21 State's Attorney, or of the Attorney General if the action
22 has been instituted by his office, and upon notice to the
23 defendant, or at the time of arraignment or as a condition
24 of postponement of arraignment, the court may enter such

1 temporary order for support as may seem just, providing for
2 the support or maintenance of the spouse or child or
3 children of the defendant, or both, pendente lite; or

4 (2) before trial with the consent of the defendant, or
5 at the trial on entry of a plea of guilty, or after
6 conviction, instead of imposing the penalty provided in
7 this Act, or in addition thereto, the court may enter an
8 order for support, subject to modification by the court
9 from time to time as circumstances may require, directing
10 the defendant to pay a certain sum for maintenance of the
11 spouse, or for support of the child or children, or both.

12 (b) The court shall determine the amount of child support
13 by using the guidelines and standards set forth in subsection
14 (a) of Section 505 and in Section 505.2 of the Illinois
15 Marriage and Dissolution of Marriage Act.

16 If (i) the non-custodial parent was properly served with a
17 request for discovery of financial information relating to the
18 non-custodial parent's ability to provide child support, (ii)
19 the non-custodial parent failed to comply with the request,
20 despite having been ordered to do so by the court, and (iii)
21 the non-custodial parent is not present at the hearing to
22 determine support despite having received proper notice, then
23 any relevant financial information concerning the
24 non-custodial parent's ability to provide support that was
25 obtained pursuant to subpoena and proper notice shall be
26 admitted into evidence without the need to establish any

1 further foundation for its admission.

2 (c) The court shall determine the amount of maintenance
3 using the standards set forth in Section 504 of the Illinois
4 Marriage and Dissolution of Marriage Act.

5 (d) The court may, for violation of any order under this
6 Section, punish the offender as for a contempt of court, but no
7 pendente lite order shall remain in effect longer than 4
8 months, or after the discharge of any panel of jurors summoned
9 for service thereafter in such court, whichever is sooner.

10 (e) Any order for support entered by the court under this
11 Section shall be deemed to be a series of judgments against the
12 person obligated to pay support under the judgments, each such
13 judgment to be in the amount of each payment or installment of
14 support and each judgment to be deemed entered as of the date
15 the corresponding payment or installment becomes due under the
16 terms of the support order. Each judgment shall have the full
17 force, effect, and attributes of any other judgment of this
18 State, including the ability to be enforced. Each judgment is
19 subject to modification or termination only in accordance with
20 Section 510 of the Illinois Marriage and Dissolution of
21 Marriage Act. Interest shall accrue on support obligations as
22 provided in Section 12-109 of the Code of Civil Procedure. A
23 lien arises by operation of law against the real and personal
24 property of the noncustodial parent for each installment of
25 overdue support owed by the noncustodial parent.

26 (f) An order for support entered under this Section shall

1 include a provision requiring the obligor to report to the
2 obligee and to the clerk of the court within 10 days each time
3 the obligor obtains new employment, and each time the obligor's
4 employment is terminated for any reason. The report shall be in
5 writing and shall, in the case of new employment, include the
6 name and address of the new employer.

7 Failure to report new employment or the termination of
8 current employment, if coupled with nonpayment of support for a
9 period in excess of 60 days, is indirect criminal contempt. For
10 any obligor arrested for failure to report new employment, bond
11 shall be set in the amount of the child support that should
12 have been paid during the period of unreported employment.

13 An order for support entered under this Section shall also
14 include a provision requiring the obligor and obligee parents
15 to advise each other of a change in residence within 5 days of
16 the change except when the court finds that the physical,
17 mental, or emotional health of a party or of a minor child, or
18 both, would be seriously endangered by disclosure of the
19 party's address.

20 (g) An order for support entered or modified in a case in
21 which a party is receiving child support enforcement services
22 under Article X of the Illinois Public Aid Code shall include a
23 provision requiring the noncustodial parent to notify the
24 Department of Healthcare and Family Services, within 7 days, of
25 the name and address of any new employer of the noncustodial
26 parent, whether the noncustodial parent has access to health

1 insurance coverage through the employer or other group coverage
2 and, if so, the policy name and number and the names of persons
3 covered under the policy.

4 (h) In any subsequent action to enforce an order for
5 support entered under this Act, upon sufficient showing that
6 diligent effort has been made to ascertain the location of the
7 noncustodial parent, service of process or provision of notice
8 necessary in that action may be made at the last known address
9 of the noncustodial parent, in any manner expressly provided by
10 the Code of Civil Procedure or in this Act, which service shall
11 be sufficient for purposes of due process.

12 (i) An order for support shall include a date on which the
13 current support obligation terminates. The termination date
14 shall be no earlier than the date on which the child covered by
15 the order will attain the age of 18. However, if the child will
16 not graduate from high school until after attaining the age of
17 18, then the termination date shall be no earlier than the
18 earlier of the date on which the child's high school graduation
19 will occur or the date on which the child will attain the age
20 of 19. The order for support shall state that the termination
21 date does not apply to any arrearage that may remain unpaid on
22 that date. Nothing in this subsection shall be construed to
23 prevent the court from modifying the order or terminating the
24 order in the event the child is otherwise emancipated.

25 (i-5) If there is an unpaid arrearage or delinquency (as
26 those terms are defined in the Income Withholding for Support

1 Act) equal to at least one month's support obligation on the
2 termination date stated in the order for support or, if there
3 is no termination date stated in the order, on the date the
4 child attains the age of majority or is otherwise emancipated,
5 the periodic amount required to be paid for current support of
6 that child immediately prior to that date shall automatically
7 continue to be an obligation, not as current support but as
8 periodic payment toward satisfaction of the unpaid arrearage or
9 delinquency. That periodic payment shall be in addition to any
10 periodic payment previously required for satisfaction of the
11 arrearage or delinquency. The total periodic amount to be paid
12 toward satisfaction of the arrearage or delinquency may be
13 enforced and collected by any method provided by law for
14 enforcement and collection of child support, including but not
15 limited to income withholding under the Income Withholding for
16 Support Act. Each order for support entered or modified on or
17 after the effective date of this amendatory Act of the 93rd
18 General Assembly must contain a statement notifying the parties
19 of the requirements of this subsection. Failure to include the
20 statement in the order for support does not affect the validity
21 of the order or the operation of the provisions of this
22 subsection with regard to the order. This subsection shall not
23 be construed to prevent or affect the establishment or
24 modification of an order for support of a minor child or the
25 establishment or modification of an order for support of a
26 non-minor child or educational expenses under Section 513 of

1 the Illinois Marriage and Dissolution of Marriage Act.

2 (j) A support obligation, or any portion of a support
3 obligation, which becomes due and remains unpaid as of the end
4 of each month, excluding the child support that was due for
5 that month to the extent that it was not paid in that month,
6 shall accrue simple interest as set forth in Section 12-109 of
7 the Code of Civil Procedure. An order for support entered or
8 modified on or after January 1, 2006 shall contain a statement
9 that a support obligation required under the order, or any
10 portion of a support obligation required under the order, that
11 becomes due and remains unpaid as of the end of each month,
12 excluding the child support that was due for that month to the
13 extent that it was not paid in that month, shall accrue simple
14 interest as set forth in Section 12-109 of the Code of Civil
15 Procedure. Failure to include the statement in the order for
16 support does not affect the validity of the order or the
17 accrual of interest as provided in this Section.

18 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

19 (750 ILCS 16/23 rep.)

20 Section 23. The Non-Support Punishment Act is amended by
21 repealing Section 23.

22 Section 25. The Income Withholding for Support Act is
23 amended by changing Section 15 as follows:

1 (750 ILCS 28/15)

2 Sec. 15. Definitions.

3 (a) "Order for support" means any order of the court which
4 provides for periodic payment of funds for the support of a
5 child or maintenance of a spouse, whether temporary or final,
6 and includes any such order which provides for:

7 (1) modification or resumption of, or payment of
8 arrearage, including interest, accrued under, a previously
9 existing order;

10 (2) reimbursement of support;

11 (3) payment or reimbursement of the expenses of
12 pregnancy and delivery (for orders for support entered
13 under the Illinois Parentage Act of 1984 or its predecessor
14 the Paternity Act); or

15 (4) enrollment in a health insurance plan that is
16 available to the obligor through an employer or labor union
17 or trade union.

18 (b) "Arrearage" means the total amount of unpaid support
19 obligations, ~~including interest,~~ as determined by the court and
20 incorporated into an order for support.

21 (b-5) "Business day" means a day on which State offices are
22 open for regular business.

23 (c) "Delinquency" means any payment, ~~including a payment of~~
24 ~~interest,~~ under an order for support which becomes due and
25 remains unpaid after entry of the order for support.

26 (d) "Income" means any form of periodic payment to an

1 individual, regardless of source, including, but not limited
2 to: wages, salary, commission, compensation as an independent
3 contractor, workers' compensation, disability, annuity,
4 pension, and retirement benefits, lottery prize awards,
5 insurance proceeds, vacation pay, bonuses, profit-sharing
6 payments, severance pay, interest, and any other payments, made
7 by any person, private entity, federal or state government, any
8 unit of local government, school district or any entity created
9 by Public Act; however, "income" excludes:

10 (1) any amounts required by law to be withheld, other
11 than creditor claims, including, but not limited to,
12 federal, State and local taxes, Social Security and other
13 retirement and disability contributions;

14 (2) union dues;

15 (3) any amounts exempted by the federal Consumer Credit
16 Protection Act;

17 (4) public assistance payments; and

18 (5) unemployment insurance benefits except as provided
19 by law.

20 Any other State or local laws which limit or exempt income
21 or the amount or percentage of income that can be withheld
22 shall not apply.

23 (e) "Obligor" means the individual who owes a duty to make
24 payments under an order for support.

25 (f) "Obligee" means the individual to whom a duty of
26 support is owed or the individual's legal representative.

1 (g) "Payor" means any payor of income to an obligor.

2 (h) "Public office" means any elected official or any State
3 or local agency which is or may become responsible by law for
4 enforcement of, or which is or may become authorized to
5 enforce, an order for support, including, but not limited to:
6 the Attorney General, the Illinois Department of Healthcare and
7 Family Services, the Illinois Department of Human Services, the
8 Illinois Department of Children and Family Services, and the
9 various State's Attorneys, Clerks of the Circuit Court and
10 supervisors of general assistance.

11 (i) "Premium" means the dollar amount for which the obligor
12 is liable to his employer or labor union or trade union and
13 which must be paid to enroll or maintain a child in a health
14 insurance plan that is available to the obligor through an
15 employer or labor union or trade union.

16 (j) "State Disbursement Unit" means the unit established to
17 collect and disburse support payments in accordance with the
18 provisions of Section 10-26 of the Illinois Public Aid Code.

19 (k) "Title IV-D Agency" means the agency of this State
20 charged by law with the duty to administer the child support
21 enforcement program established under Title IV, Part D of the
22 Social Security Act and Article X of the Illinois Public Aid
23 Code.

24 (l) "Title IV-D case" means a case in which an obligee or
25 obligor is receiving child support enforcement services under
26 Title IV, Part D of the Social Security Act and Article X of

1 the Illinois Public Aid Code.

2 (m) "National Medical Support Notice" means the notice
3 required for enforcement of orders for support providing for
4 health insurance coverage of a child under Title IV, Part D of
5 the Social Security Act, the Employee Retirement Income
6 Security Act of 1974, and federal regulations promulgated under
7 those Acts.

8 (n) "Employer" means a payor or labor union or trade union
9 with an employee group health insurance plan and, for purposes
10 of the National Medical Support Notice, also includes but is
11 not limited to:

12 (1) any State or local governmental agency with a group
13 health plan; and

14 (2) any payor with a group health plan or "church plan"
15 covered under the Employee Retirement Income Security Act
16 of 1974.

17 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,
18 eff. 10-23-07.)

19 Section 30. The Illinois Parentage Act of 1984 is amended
20 by changing Sections 13.1 and 14 as follows:

21 (750 ILCS 45/13.1)

22 Sec. 13.1. Temporary order for child support.
23 Notwithstanding any other law to the contrary, pending the
24 outcome of a judicial determination of parentage, the court

1 shall issue a temporary order for child support, upon motion by
2 a party and a showing of clear and convincing evidence of
3 paternity. In determining the amount of the temporary child
4 support award, the court shall use the guidelines and standards
5 set forth in subsection (a) of Section 505 and in Section 505.2
6 of the Illinois Marriage and Dissolution of Marriage Act.

7 Any new or existing support order entered by the court
8 under this Section shall be deemed to be a series of judgments
9 against the person obligated to pay support thereunder, each
10 such judgment to be in the amount of each payment or
11 installment of support and each judgment to be deemed entered
12 as of the date the corresponding payment or installment becomes
13 due under the terms of the support order. Each such judgment
14 shall have the full force, effect, and attributes of any other
15 judgment of this State, including the ability to be enforced.
16 Any such judgment is subject to modification or termination
17 only in accordance with Section 510 of the Illinois Marriage
18 and Dissolution of Marriage Act. Interest shall accrue on
19 support obligations as provided in Section 12-109 of the Code
20 of Civil Procedure. A lien arises by operation of law against
21 the real and personal property of the noncustodial parent for
22 each installment of overdue support owed by the noncustodial
23 parent.

24 All orders for support, when entered or modified, shall
25 include a provision requiring the non-custodial parent to
26 notify the court, and in cases in which a party is receiving

1 child support enforcement services under Article X of the
2 Illinois Public Aid Code, the Department of Healthcare and
3 Family Services, within 7 days, (i) of the name, address, and
4 telephone number of any new employer of the non-custodial
5 parent, (ii) whether the non-custodial parent has access to
6 health insurance coverage through the employer or other group
7 coverage, and, if so, the policy name and number and the names
8 of persons covered under the policy, and (iii) of any new
9 residential or mailing address or telephone number of the
10 non-custodial parent.

11 In any subsequent action to enforce a support order, upon
12 sufficient showing that diligent effort has been made to
13 ascertain the location of the non-custodial parent, service of
14 process or provision of notice necessary in that action may be
15 made at the last known address of the non-custodial parent, in
16 any manner expressly provided by the Code of Civil Procedure or
17 in this Act, which service shall be sufficient for purposes of
18 due process.

19 An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of majority or is otherwise
23 emancipated. The order for support shall state that the
24 termination date does not apply to any arrearage that may
25 remain unpaid on that date. Nothing in this paragraph shall be
26 construed to prevent the court from modifying the order.

1 If there is an unpaid arrearage or delinquency (as those
2 terms are defined in the Income Withholding for Support Act)
3 equal to at least one month's support obligation on the
4 termination date stated in the order for support or, if there
5 is no termination date stated in the order, on the date the
6 child attains the age of majority or is otherwise emancipated,
7 then the periodic amount required to be paid for current
8 support of that child immediately prior to that date shall
9 automatically continue to be an obligation, not as current
10 support but as periodic payment toward satisfaction of the
11 unpaid arrearage or delinquency. That periodic payment shall be
12 in addition to any periodic payment previously required for
13 satisfaction of the arrearage or delinquency. The total
14 periodic amount to be paid toward satisfaction of the arrearage
15 or delinquency may be enforced and collected by any method
16 provided by law for the enforcement and collection of child
17 support, including but not limited to income withholding under
18 the Income Withholding for Support Act. Each order for support
19 entered or modified on or after the effective date of this
20 amendatory Act of the 93rd General Assembly must contain a
21 statement notifying the parties of the requirements of this
22 paragraph. Failure to include the statement in the order for
23 support does not affect the validity of the order or the
24 operation of the provisions of this paragraph with regard to
25 the order. This paragraph shall not be construed to prevent or
26 affect the establishment or modification of an order for the

1 support of a minor child or the establishment or modification
2 of an order for the support of a non-minor child or educational
3 expenses under Section 513 of the Illinois Marriage and
4 Dissolution of Marriage Act.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (750 ILCS 45/14) (from Ch. 40, par. 2514)

7 Sec. 14. Judgment.

8 (a) (1) The judgment shall contain or explicitly reserve
9 provisions concerning any duty and amount of child support and
10 may contain provisions concerning the custody and guardianship
11 of the child, visitation privileges with the child, the
12 furnishing of bond or other security for the payment of the
13 judgment, which the court shall determine in accordance with
14 the relevant factors set forth in the Illinois Marriage and
15 Dissolution of Marriage Act and any other applicable law of
16 Illinois, to guide the court in a finding in the best interests
17 of the child. In determining custody, joint custody, removal,
18 or visitation, the court shall apply the relevant standards of
19 the Illinois Marriage and Dissolution of Marriage Act,
20 including Section 609. Specifically, in determining the amount
21 of any child support award or child health insurance coverage,
22 the court shall use the guidelines and standards set forth in
23 subsection (a) of Section 505 and in Section 505.2 of the
24 Illinois Marriage and Dissolution of Marriage Act. For purposes
25 of Section 505 of the Illinois Marriage and Dissolution of

1 Marriage Act, "net income" of the non-custodial parent shall
2 include any benefits available to that person under the
3 Illinois Public Aid Code or from other federal, State or local
4 government-funded programs. The court shall, in any event and
5 regardless of the amount of the non-custodial parent's net
6 income, in its judgment order the non-custodial parent to pay
7 child support to the custodial parent in a minimum amount of
8 not less than \$10 per month, as long as such an order is
9 consistent with the requirements of Title IV, Part D of the
10 Social Security Act. In an action brought within 2 years after
11 a judicial determination of parentage, the judgment or order
12 may direct either parent to pay the reasonable expenses
13 incurred by either parent or the Department of Healthcare and
14 Family Services related to the mother's pregnancy and the
15 delivery of the child. The judgment or order shall contain the
16 father's social security number, which the father shall
17 disclose to the court; however, failure to include the father's
18 social security number on the judgment or order does not
19 invalidate the judgment or order.

20 (2) If a judgment of parentage contains no explicit award
21 of custody, the establishment of a support obligation or of
22 visitation rights in one parent shall be considered a judgment
23 granting custody to the other parent. If the parentage judgment
24 contains no such provisions, custody shall be presumed to be
25 with the mother; however, the presumption shall not apply if
26 the father has had physical custody for at least 6 months prior

1 to the date that the mother seeks to enforce custodial rights.

2 (b) The court shall order all child support payments,
3 determined in accordance with such guidelines, to commence with
4 the date summons is served. The level of current periodic
5 support payments shall not be reduced because of payments set
6 for the period prior to the date of entry of the support order.
7 The Court may order any child support payments to be made for a
8 period prior to the commencement of the action. In determining
9 whether and the extent to which the payments shall be made for
10 any prior period, the court shall consider all relevant facts,
11 including the factors for determining the amount of support
12 specified in the Illinois Marriage and Dissolution of Marriage
13 Act and other equitable factors including but not limited to:

14 (1) The father's prior knowledge of the fact and
15 circumstances of the child's birth.

16 (2) The father's prior willingness or refusal to help
17 raise or support the child.

18 (3) The extent to which the mother or the public agency
19 bringing the action previously informed the father of the
20 child's needs or attempted to seek or require his help in
21 raising or supporting the child.

22 (4) The reasons the mother or the public agency did not
23 file the action earlier.

24 (5) The extent to which the father would be prejudiced
25 by the delay in bringing the action.

26 For purposes of determining the amount of child support to

1 be paid for any period before the date the order for current
2 child support is entered, there is a rebuttable presumption
3 that the father's net income for the prior period was the same
4 as his net income at the time the order for current child
5 support is entered.

6 If (i) the non-custodial parent was properly served with a
7 request for discovery of financial information relating to the
8 non-custodial parent's ability to provide child support, (ii)
9 the non-custodial parent failed to comply with the request,
10 despite having been ordered to do so by the court, and (iii)
11 the non-custodial parent is not present at the hearing to
12 determine support despite having received proper notice, then
13 any relevant financial information concerning the
14 non-custodial parent's ability to provide child support that
15 was obtained pursuant to subpoena and proper notice shall be
16 admitted into evidence without the need to establish any
17 further foundation for its admission.

18 (c) Any new or existing support order entered by the court
19 under this Section shall be deemed to be a series of judgments
20 against the person obligated to pay support thereunder, each
21 judgment to be in the amount of each payment or installment of
22 support and each such judgment to be deemed entered as of the
23 date the corresponding payment or installment becomes due under
24 the terms of the support order. Each judgment shall have the
25 full force, effect and attributes of any other judgment of this
26 State, including the ability to be enforced. Interest shall

1 accrue on support obligations as provided in Section 12-109 of
2 the Code of Civil Procedure. A lien arises by operation of law
3 against the real and personal property of the noncustodial
4 parent for each installment of overdue support owed by the
5 noncustodial parent.

6 (d) If the judgment or order of the court is at variance
7 with the child's birth certificate, the court shall order that
8 a new birth certificate be issued under the Vital Records Act.

9 (e) On request of the mother and the father, the court
10 shall order a change in the child's name. After hearing
11 evidence the court may stay payment of support during the
12 period of the father's minority or period of disability.

13 (f) If, upon a showing of proper service, the father fails
14 to appear in court, or otherwise appear as provided by law, the
15 court may proceed to hear the cause upon testimony of the
16 mother or other parties taken in open court and shall enter a
17 judgment by default. The court may reserve any order as to the
18 amount of child support until the father has received notice,
19 by regular mail, of a hearing on the matter.

20 (g) A one-time charge of 20% is imposable upon the amount
21 of past-due child support owed on July 1, 1988 which has
22 accrued under a support order entered by the court. The charge
23 shall be imposed in accordance with the provisions of Section
24 10-21 of the Illinois Public Aid Code and shall be enforced by
25 the court upon petition.

26 (h) All orders for support, when entered or modified, shall

1 include a provision requiring the non-custodial parent to
2 notify the court and, in cases in which party is receiving
3 child support enforcement services under Article X of the
4 Illinois Public Aid Code, the Department of Healthcare and
5 Family Services, within 7 days, (i) of the name and address of
6 any new employer of the non-custodial parent, (ii) whether the
7 non-custodial parent has access to health insurance coverage
8 through the employer or other group coverage and, if so, the
9 policy name and number and the names of persons covered under
10 the policy, and (iii) of any new residential or mailing address
11 or telephone number of the non-custodial parent. In any
12 subsequent action to enforce a support order, upon a sufficient
13 showing that a diligent effort has been made to ascertain the
14 location of the non-custodial parent, service of process or
15 provision of notice necessary in the case may be made at the
16 last known address of the non-custodial parent in any manner
17 expressly provided by the Code of Civil Procedure or this Act,
18 which service shall be sufficient for purposes of due process.

19 (i) An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of 18. However, if the child will
23 not graduate from high school until after attaining the age of
24 18, then the termination date shall be no earlier than the
25 earlier of the date on which the child's high school graduation
26 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination
2 date does not apply to any arrearage that may remain unpaid on
3 that date. Nothing in this subsection shall be construed to
4 prevent the court from modifying the order or terminating the
5 order in the event the child is otherwise emancipated.

6 (i-5) If there is an unpaid arrearage or delinquency (as
7 those terms are defined in the Income Withholding for Support
8 Act) equal to at least one month's support obligation on the
9 termination date stated in the order for support or, if there
10 is no termination date stated in the order, on the date the
11 child attains the age of majority or is otherwise emancipated,
12 the periodic amount required to be paid for current support of
13 that child immediately prior to that date shall automatically
14 continue to be an obligation, not as current support but as
15 periodic payment toward satisfaction of the unpaid arrearage or
16 delinquency. That periodic payment shall be in addition to any
17 periodic payment previously required for satisfaction of the
18 arrearage or delinquency. The total periodic amount to be paid
19 toward satisfaction of the arrearage or delinquency may be
20 enforced and collected by any method provided by law for
21 enforcement and collection of child support, including but not
22 limited to income withholding under the Income Withholding for
23 Support Act. Each order for support entered or modified on or
24 after the effective date of this amendatory Act of the 93rd
25 General Assembly must contain a statement notifying the parties
26 of the requirements of this subsection. Failure to include the

1 statement in the order for support does not affect the validity
2 of the order or the operation of the provisions of this
3 subsection with regard to the order. This subsection shall not
4 be construed to prevent or affect the establishment or
5 modification of an order for support of a minor child or the
6 establishment or modification of an order for support of a
7 non-minor child or educational expenses under Section 513 of
8 the Illinois Marriage and Dissolution of Marriage Act.

9 (j) An order entered under this Section shall include a
10 provision requiring the obligor to report to the obligee and to
11 the clerk of court within 10 days each time the obligor obtains
12 new employment, and each time the obligor's employment is
13 terminated for any reason. The report shall be in writing and
14 shall, in the case of new employment, include the name and
15 address of the new employer. Failure to report new employment
16 or the termination of current employment, if coupled with
17 nonpayment of support for a period in excess of 60 days, is
18 indirect criminal contempt. For any obligor arrested for
19 failure to report new employment bond shall be set in the
20 amount of the child support that should have been paid during
21 the period of unreported employment. An order entered under
22 this Section shall also include a provision requiring the
23 obligor and obligee parents to advise each other of a change in
24 residence within 5 days of the change except when the court
25 finds that the physical, mental, or emotional health of a party
26 or that of a minor child, or both, would be seriously

1 endangered by disclosure of the party's address.

2 (Source: P.A. 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07;
3 95-331, eff. 8-21-07; 95-864, eff. 1-1-09.)

4 (750 ILCS 45/20.7 rep.)

5 Section. 35. The Illinois Parentage Act of 1984 is amended
6 by repealing Section 20.7.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."